

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHLOË, S.A.S., J.CHOO LIMITED

07 CIV 6491 (WHP)

Plaintiff,

**ANSWER**

-against-

KEN CHEN a/k/a SHU CHEN a/k/a XIANG  
CHEN, DANIEL DOE, GODDESS TRADING d/b/a  
GODDESS TRADING@HOTMAIL.COM,  
LUXUNG GOODS, LUXURY GOODS, TERRY  
DOE d/b/a AZNTERRY911@HOTMAIL.COM, JASON  
DOE d/b/a JARRY326@YAHOO.COM.CN,  
FASHION HANDBAGS, BENNY DOE,  
JEANCARLO DOE, JOSEPH a/k/a JOSE DOE,  
SISI a/k/a CECI DOE, TOP LUXURY HANDBAGS d/b/a  
LUXURYHANDBAGS277@YAHOO.COM, FRANCISCO DOE,  
BEN DOE, CARLOS DOE, INSTYLE LUXURY HANGBAGS,  
CORINA DOE a/k/a QIMIAO HU a/k/a YE GUO a/k/a  
GUO Q YE, NEWCOME TRADING d/b/a  
TOSCA, QUICK GLOBAL SHIPPING, HOWARD SHIPPING  
EXPRESS, RANDY DOE, and various JOHN and JANDE DOES  
1-10 and XYZ COMPANIES  
(UNIDENTIFIED)

Defendants.

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Defendants, KEN CHEN, GODDESS TRADING, DANIEL DOE  
AND CHEN X. JIANG by their attorney Morton S. Minsley, Esq., in  
answer to the amended complaint of Plaintiffs herein, respectfully state and  
allege, as follows:

**PARTIES**

1. Deny knowledge or information sufficient to form a belief as to the truth of falsity of the allegations in paragraphs 1- 2, 6– 8, 9- 29, 31- 61.

2. Deny paragraph 3, except admits that Defendant Ken Chen resides at 28 Forsyth Street, Apartment 13, New York, NY 10013, and has transacted business in the State of New York, and has leased space at 277 Canal Street, New York, NY 10013.

3. Deny paragraph 4, except admit that Daniel Doe works for Goddess Trading at 277 Canal Street.

4. Deny paragraph 5, except admit that Defendant Goddess Trading transacts business in the State of New York only, and has transacted business at 277 Canal Street, New York, New York.

5. Deny paragraph 30, except admit that Defendant Chen X. Jiang resides at 415 Acorn Road, Mount Laurel, New Jersey 08054.

**JURISDICTION AND VENUE**

6. Admit the allegations of Paragraphs 62 – 65.

**CHLOE'S TRADEMARKS**

7. Defendants deny knowledge or information sufficient to form a belief as to the truth of falsity of the allegations in paragraphs 66-67.

**JIMMY CHOO'S TRADEMARKS**

8. Defendants deny knowledge or information sufficient to form a belief as to the truth of falsity of the allegations in paragraphs 78 - 79.

**DEFENDANTS' CONDUCT**

9. Defendants deny the allegations contained in paragraphs 90 – 97.

**COUNT ONE: FEDERAL TRADEMARK COUNTERFEITING**

10. Defendants deny the allegations contained in paragraphs 98 – 102.

**COUNT TWO: UNFAIR COMPETITION**

11. Defendants deny the allegations contained in paragraphs 103 - 108.

**COUNT THREE: FEDERAL TRADEMARK DILUTION**

12. Defendants deny the allegations contained in paragraphs 109 - 114.

**COUNT FOUR: COMMON LAW TRADEMARK**

**COUNTERFEITING**

13. Defendants deny the allegations contained in paragraphs 115 – 120

**COUNT FIVE: COMMON LAW UNFAIR COMPETITION**

14. Defendants deny the allegations contained in paragraphs 121 -  
126.

**COUNT SIX: NEW YORK TRADEMARK DILUTION**

15. Defendants deny the allegations contained in paragraphs 127 -  
129.

**COUNT SEVEN: UNLAWFUL DECEPTIVE ACTS AND  
PRACTICES**

16. Defendants deny the allegations contained in paragraphs 130 -  
134.

**FIRST AFFIRMATIVE DEFENSE**

17. Plaintiffs' marks are not distinctive.

**SECOND AFFIRMATIVE DEFENSE**

18. Plaintiffs have not defended or protected the marks in question.

**THIRD AFFIRMATIVE DEFENSE**

19. Plaintiffs' claims are barred by the doctrine of fair use,  
estoppel, waiver, laches and/or acquiescence.

**FOURTH AFFIRMATIVE DEFENSE**

20. All applicable defenses asserted by other defendants in this  
action are adopted or incorporated by reference as if fully set forth herein.

Dated: New York, New York  
September 7, 2007

Morton S. Minsley, ESQ. (MSM-7478)  
Attorney for the Defendants-Ken Chen,  
Goddess Trading, Daniel Doe and Chen X. Jiang  
101 Lafayette Street, 10<sup>th</sup> Floor  
New York, NY 10013  
Phone:(212) 346-0849  
Fax: (212) 766-9798

by: \_\_\_\_\_  
Morton S. Minsley (MSM-7478)

**DECLARATION OF SERVICE UPON ATTORNEY BY ECF AND MAIL**  
**– FEDERAL COURT**

I, Morton S. Minsley, declare, pursuant to 28 U.S.C. § 1746, under the penalty of perjury that on September 7, 2007, I served the annexed answer to the following attorneys, at the following addresses, both by ECF and by regular, first class mail, by depositing a copy of the same, enclosed in a first class, postpaid envelope, in an official depository under the exclusive care and custody of the United States Postal Service, within the State of New York, and directed to the said attorney at the address designated by said attorney for that purpose.

Harley I. Lewin, ESQ.  
Attorney for Plaintiffs  
GREENBERG TRAURIG,LLP  
200 Park Avenue, MetLife Building  
New York, NY 10166  
Phone: (212) 801-9200

DATED: New York, New York  
September 7, 2007

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MORTON S. Minsley, ESQ.  
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**ANSWER**

Defendants.

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**MORTON S. MINSLEY, ESQ.**

Attorney for Defendants- KEN CHEN,  
GODDESS TRADING, DANIEL DOE AND  
CHEN X. JIANG

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